

2020-AP-740

IN THE CIRCUIT COURT OF MONROE COUNTY, MISSISSIPPI

IN RE: DEMOCRATIC WARD I RUN-OFF
ELECTION FOR THE CITY OF ABERDEEN,
MISSISSIPPI, BETWEEN S. NICHOLAS
HOLLIDAY AND ROBERT DEVAULL

FILED

JUL 17 2020

OFFICE OF THE CLERK
SUPREME COURT
COURT OF APPEALS
PLAINTIFF**ROBERT DEVAULL**

V.

CIVIL ACTION NO. 2020-201-JWM

S. NICHOLAS HOLLIDAY and
MEMBERS OF THE DEMOCRATIC
MUNICIPAL COMMITTEE OF
THE CITY OF ABERDEEN, INCLUDING:
COY FLYNN, RUTH BRASHFIELD,
CURLEY PAYNE, WILLIAM WALKER,
JOHN FINN, HELEN PRICE and WILLIE
RUTH PAYNE, IN THEIR OFFICIAL
CAPACITIES AND INDIVIDUALLY

DEFENDANTSPETITION FOR JUDICIAL REVIEW OF ELECTION CONTEST

Comes now ROBERT DEVAULL [DEVAULL], pursuant to *Mississippi Code*
Annotated § 23-15-927 (1972) (as amended), and files this PETITION FOR JUDICIAL
REVIEW OF ELECTION CONTEST regarding the June 16, 2020, Democratic run-off
election [ELECTION] for the position of Alderman, Ward I, of the City of Aberdeen, and
in support thereof would show unto the Court the following:

PARTIES

I.

Plaintiff DEVAULL is an adult resident citizen and qualified elector of the City of

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BY DANA L. SLOAN
CIRCUIT CLERK
MONROE CO., MS

Aberdeen, Mississippi, and he duly qualified as a candidate in the 2020 Democratic primary for Alderman, Ward I, in the City of Aberdeen.

II.

DEVAULL faced one of the defendants herein, S. NICHOLAS HOLLIDAY [HOLLIDAY] in the Democratic primary run-off election for Alderman, Ward I, in the City of Aberdeen on June 16, 2020. HOLLIDAY is, on information and belief, a resident of Aberdeen, Monroe County, Mississippi.

III.

The members of the Aberdeen Municipal Democratic Executive Committee [COMMITTEE] are also defendants herein, and are named in their official and individual capacities, ~~to-wit:~~ Coy Flynn, Ruth Brasfield, Curley Payne, William Walker, John Finn, Helen Price, and Willie Ruth Payne. These individuals are, on information and belief, residents of Aberdeen, Monroe County, Mississippi.

IV.

The primary election contest for which judicial review is sought is the one for the nomination of the Democratic party to the office of Alderman, Ward I of the City of Aberdeen, Mississippi. DEVAULL has previously contested this election before the Aberdeen Municipal Democratic Executive Committee, meeting a body on July 15, 2020, at 1 o'clock p.m. after five (5) days notice to DEVAULL.

VENUE AND JURISDICTION

V.

This Court has jurisdiction to hear this Petition, pursuant to its authority as conferred

by *Mississippi Code Annotated*, §§ 9-7-81, 11-41-1, and 23-15-927 (1972) (as amended). Section 23-15-927 states, in pertinent part, as follows:

When and after any contest has been filed with the county executive committee, or complaint with the State Executive Committee, and the executive committee having jurisdiction fails to properly meet, or, having met, fails or unreasonably delays to fully act upon the contest or complaint or fails to give with reasonable promptness the full relief required by the facts and the law, the contestant shall have the right forthwith to file in the circuit court of the county in which the irregularities are charged to have occurred... A petition for judicial review must be filed within ten (10) days after any contest or complaint has been filed with an executive committee.

DEVAULL filed his election contest with the COMMITTEE on July 6, 2020.

VI.

Venue is also proper in this Court, under *Mississippi Code Annotated* §§ 11-11-3, 11-4-3, and 23-15-927 (1972) (as amended), as the irregularities alleged in this matter occurred in Oktibbeha County, Mississippi.

FACTUAL BACKGROUND

VII.

DEVAULL and HOLLIDAY, along with others, were both candidates in the Democratic primary for Alderman, Ward I, of the City of Aerdeen, which was held on the 2nd day of June, 2020. DEVAULL and HOLLIDAY were the top two (2) candidates receiving votes (See Exhibit A to the Petition for Election Contest which is attached hereto as Exhibit A.) and proceeded to face each other in the June 16, 2020, Democratic primary run-off for Alderman, Ward I.

VIII.

This primary run-off essentially served as the final contested election for Alderman,

Ward I, of the City of Aberdeen, since no independent or Republican candidate had qualified for the general election.

IX.

The election was conducted by optical marked ballots which were scanned and counted by optical mark reading equipment consistent with the requirements of *Mississippi Code Annotated*, § 23-15-507 (1972) (as amended). Upon information and belief, this is the normal procedure for voting in the City of Aberdeen.

X.

On June 22, 2020, the results of the Democratic run-off election held on June 16, 2020, were certified to the Secretary of State, and received by that office on June 25, 2020. This certification indicated that HOLLIDAY has received 177 votes and DEVALI had received 140 votes. (See Exhibit C to the Petition for Election Contest which is attached hereto as Exhibit A.)

XI.

Regardless of the delay in certifying the results, the results were released to various news outlets on or about June 16, 2020, indicating that HOLLIDAY was the winner of the run-off election.

XII.

DEVAULL timely requested to conduct an examination of the ballot box for Ward I, and timely did so on June 24, 2020 in the Board Room of the Aberdeen City Hall.

XIII.

After evaluating the contents of the ballot box on June 24, 2020 (even though the

election was not certified until *after* the examination occurred and *after* DEVAULL and his designee had left the building,) DEVAULL concluded that substantial errors had occurred in the operation of the election itself as well as in the ballot count, and by actions of the COMMITTEE and poll workers, and thus he filed his petition with the COMMITTEE on July 6, 2020. As referenced previously, the petition is attached hereto as Exhibit A. The petition sets forth the grounds upon which the election was contested. It was served on July 6, 2020, upon members of the COMMITTEE and others.

XIV.

The COMMITTEE subsequently set a date, time, and location that the COMMITTEE would meet to undertake an investigation and inquiry into the contest. This was scheduled for Wednesday, July 15, 2020, at 1 o'clock p.m. in the Board Room at City Hall in Aberdeen.

XV.

The COMMITTEE's hearing has been transcribed and which will be appended hereto as an exhibit upon receipt and/or submitted into evidence. While the COMMITTEE attempted to have a serious inquiry into the matter, they were opposed in their efforts by Mayor Maurice Howard, Police Chief Henry Randle, and HOLLIDAY, which will be readily apparent when the Court has the opportunity to study the transcript. These three gentlemen ignored repeated requests from the COMMITTEE's chair to leave the hearing, to remain quiet during the hearing, not to record the hearing on their phones, etc. The hearing came to a halt after the Mayor informed the Chairman that he had taken the liberty to dismiss additional witnesses that the COMMITTEE had subpoenaed, something he had no

authority to do. As the transcript will reflect, the subpoenaed witnesses who did testify before the Mayor intervened, responded in similar manners with responses like "I have nothing to say," or "no comment," or some other similar response. The COMMITTEE considered this testimony (or lack of same), photographs of the locations of some addresses in Aberdeen said to house individuals who voted in the election, and two (2) subpoenas which had been returned to the COMMITTEE unserved with responses by the serving official indicating that these two (2) individuals, whose votes were counted, did not live in Aberdeen (one being a resident of Tupelo, Lee County, Mississippi, and one being a resident of the State of Georgia.) After the hearing ended, the COMMITTEE deliberated and determined to confirm the election results in Ward I as certified.

XVII.

DEVAULL has submitted this pleading to the Circuit Court of Monroe County within the time limit provided by *Mississippi Code Annotated*, § 23-15-927 (1972) (as amended), and has satisfied all conditions precedent to the filing of this request for judicial review.

XVIII.

As required by *Mississippi Code Annotated*, § 23-15-927 (1972) (as amended), certificates attached hereto as Exhibits B and C respectively reflect that two (2) attorneys duly licensed and in good standing with the Mississippi Bar have each made an independent investigation into the matters of fact and law upon which this petition is based, and that each believes the petition should be sustained and that the relief requested by DEVAULL should be granted by this Court.

XIX.

DEVAULL has also submitted the required cost bond in the sum of Three Hundred Dollars (\$300.00) with two (2) or more sufficient sureties, conditioned to pay all costs in case his petition is dismissed. A copy of the bond is attached hereto as Exhibit D, the original being filed with the Circuit Clerk of Monroe County.

COUNTS PLED REQUESTING RELIEF**XX.****COUNT 1:** *Failure to count affidavit ballots and certify election.*

The COMMITTEE did not count affidavit ballots on the first or second day following the election as required by law and practice. The COMMITTEE did not certify the election on the first or second day following the election as required by law and practice. See, *Mississippi Code Annotated*, § 23-15-597 (1972) (as amended). Affidavit ballots were counted on June 24, some eight (8) days after the election. All affidavit ballots were rejected for various reasons. This occurred at the end of the ballot box examination. This election was purportedly certified after the June 24, ballot box examination.

When certifying, the COMMITTEE failed to use the statutory language required and necessary to legally and accurately certify the vote. While the statute requires the certification to state that the committee "...does hereby certify that this statement contains the official vote for the election reflected herein," the COMMITTEE certified "the above election results" on this date.

XXI.**COUNT 2:** *Irregularities at the polling precinct.*

The COMMITTEE allowed irregularities to take place at the Ward I precinct.

Among the irregularities are the following:

- A. Supporters of HOLLIDAY violated *Mississippi Code Annotated*, § 23-15-895 (1972) (as amended) to the extent that the Aberdeen Police Department was called to direct the supporters of HOLLIDAY to remove themselves farther than one hundred and fifty (150) feet from the entrance to the building in which the Ward run-off election was being held.
- B. These supporters of HOLLIDAY harassed voters on the way to the precinct entrance. The voters were told who to vote for by these supporters while they were within one hundred and fifty (150) feet from the entrance to the polling place on Martin Luther King Street and continued to harass voters even after they were removed farther from the polling place by the police.
- C. Instances of double-voting occurred (where one voter voted in person and absentee.)
- D. On information and belief, an individual who notarized some absentee ballots was not qualified as a current notary.
- E. On information and belief, two (2) elected officials (one elected on June 2 and the other seeking re-election) followed the postal mail truck and stopped behind it at certain mail boxes, removing the absentee ballots from the mail boxes where they were delivered and/or in some events, entering into the residence where the absentee ballots were delivered and taking the absentee ballot forms from the residents.

- F. On information and belief, there were at least two (2) absentee ballots from Ward 2 found in the Ward 1 ballot box at the examination.
- G. On information and belief, people voted in the run-off election who do not live in Aberdeen.
- H. On information and belief, the poll watcher(s) for HOLLIDAY was not credentialed in compliance with *Mississippi Code Annotated*, § 23-15-577 (1972) (as amended).
- I. On information and belief, the Poll Manager-Bailiff at Ward I disregarded his/her statutory obligations.
- J. On information and belief, two (2) notary publics for the State of Mississippi, Dallas Jones and Lou Ella Hoskins Stevens, did not "witness" the signatures of purported absentee applicants, but simply notarized ballots that were brought to them by various individuals, some of whom were elected officials.¹
- K. On information and belief, Dallas Jones and Lou Ella Hoskins Stevens do not maintain acceptable notary logs.
- L. Bernice Randall, a poll worker for the election, entered at least four (4) voters on the poll book as voting on the June 2 election rather than the June 16 run-off election, namely: Jimecia Jhaneé Lyons, Camell Hampton, Tamirha Blanchard, and Nicholas Rogers, thus compromising a reconciliation in the number of ballots.
- M. Regina Dobbs is marked "voted" on the poll book by Bernice Randall, who then marked through "voted" and added "RR" (an unrecognized symbol.)

¹ On information and belief, while the notaries herein mentioned would not identify which elected officials brought absentee ballots to them, they have acknowledged that: "they" brought the ballots to (us), noting that they did not see the signatures of potential voters.

- N. Bernice Randall marked "done" instead of "voted" on the poll book regarding Santana Gilleylen's name.
- O. The Mayor went to 1404 Martin Luther King and took absentee ballots from the household of the Blanchards, including Brandon Lee Blanchard, Chester Lee Blanchard, Brenda Blanchard and Robert Ingram. These individuals did not mark their own absentee ballots.
- P. The J. T. Strauder, Jr., ballot, an absentee ballot and a ballot that, when considered at the ballot box examination the Mayor stated "that's my ballot" is not a ballot that should have been cast in Ward I. The voter lives at 200344 Booker T. Washington Road, which is located outside Ward 1.
- Q. The Mayor and Edward Haynes went to the Eckford house in Ward I and took absentee ballots from the household of the Eckfod's, including Annie Eckford, Jarvis Eckford, Latonia Eckford and Shanteon Eckford. These individuals did not mark their own absentee ballots.

XXII.

COUNT 3: *Failure to provide an accurate accounting for all ballots.*

It is believed that there is an inaccurate ballot count with regard to absentee ballots. During the ballot box examination, DEVAULL counted seventy-seven (77) absentee ballots, but the COMMITTEE contends that there were seventy-eight (78) absentee ballots. On information and belief, the tally sheet for Ward I is inconsistent with the voter ledger and the voter receipt book.

XXIII.**COUNT 4:** *Counting ballots with improper voter marks.*

Mississippi law requires that ballots be marked in a particular way based on the particular city's voting system. In Aberdeen, because of the city's adopted voting system, votes must be marked with filled-in ovals beside the name of the individual for whom the ballot is cast. Check marks (✓) are disallowed. There are fourteen (14) regular ballots in Ward I which were counted and which had check marks (✓) rather than filled-in ovals. Regardless of the individual for whom these votes are cast, they should not have been counted.

XXIV.**COUNT 5:** *Failing to accurately reject or accept absentee ballots.*

The statutes on absentee ballots require that they must be consistent with Mississippi law because there is a greater opportunity for fraud in absentee ballots, particularly those which are not cast in the City Clerk's office. The Mississippi Supreme Court has routinely confirmed that the codified process for casting an absentee ballot (See, *Mississippi Code Annotated* § 23-15-621 – 653 (1972) (as amended) and grounds for rejection of an absentee ballot (See, *Mississippi Code Annotated* § 23-15-641 (1972) (as amended) must be strictly adhered to. See, *Stringer v. Lucas*, 608 So. 2d 1351 (Miss. 1992); *Thompson v. Jones*, 17 So. 2d 524 (Miss. 2008); *Ruhr v. Walton*, 955 So. 2d 279 (Miss. 2007). These cases, among others demand strict compliance with Mississippi statutes concerning absentee ballots, designating them as "mandatory" in nature.

Specifically, there were at least sixty (60) absentee ballots counted with significant

deviations from the statute that should not have been accepted by poll workers during the counting, including, but not limited to:

Annie Blanchard: Annie's application was in Brandon Blanchard's envelope

Brandon Blanchard: Brandon's application was in Reanna I. Barr's envelope

Margaret Alexander: marked "out of county" but witnessed for disability

Reanna I Barr: marked "out of county" but witnessed for disability

_____(undiscernible) R. Blanchard: envelope contains ballot of L. C. Betts. Betts' application has no reason for voting absentee

Brenda Blanchard: marked "out of county" but witnessed for disability

Inez Brown: marked "65 or older" but witnessed for disability

Lindsay Cooper: no reason for absentee voting; ballot remains in envelope, was not counted but neither was it marked "rejected"

Parish Cratic: marked "out of county" but witnessed for disability; no witness signature. D. Jones stamped a notary stamp on it but did not witness the signature of the voter; lives in Tupelo, Lee County, Mississippi

Regina Dangerfield: no reason on application; application not dated

Cameria Dangerfield: no reason on application

Kavius K. Dobbs: "out of county" but witnessed for disability

Rozell Gillespie: application signed Rozell Strong

Benjamin Haughton: incomplete address

Devderia Haynes: ballot torn, cannot see that she signed across

the flap; attestation not dated; marked "65 or older" but witnessed for disability

Norris Moore: no date on voter affidavit; signatures on application and envelope do not match

Aaron Morton: marked "65 or older" but witnessed for disability

Evelyn Orr: signature does not cross flap; different color ink

Trish Peters: marked "65 or older"; no address; witnessed for disability

Judy Patterson: signature difference between envelope and application

Ella J. Walker: marked "65 or older" but witnessed for disability; no clear signature across the flap

Walter Walker: marked "out of county" but witnessed for disability

Julia Young: marked "65 or older" but witnessed for disability

Doris Jones: no county/city/etc; marked "out of county" but witnessed for disability

Jared McAuster: marked "out of county" but witnessed for disability

Charlene Middlebrook: marked "out of county" but witnessed for disability

Robert Middlebrook: signature of voter does not cross flap; marked "out of county" but witnessed for disability

Debra Moore: city/county omitted; no date of vote

Laura Moore: no city/county

Thomas Hubbard: in accepted pile but not marked accepted nor rejected; signature not across the flap

Lee Anthony Pierce: signatures not across the flap

Bridget Rogers: marked "out of county" but witnessed for disability; also according to committee this woman actually voted in person

Annie Lee Walker: signature not across the flap; no reason marked

Alfred Walker: no reason marked; signature not across the flap

Jasmine Walker: no signature across the flap

Latoya Walker: rejected written on application yet located in the counted envelope

Willie Morton: signature not across the flap

Bulah Daniel: no envelope associated with this ballot application

Nogan Morgan: no envelope associated with this ballot application

Shateon Eckford: not marked accepted or rejected yet located in the counted envelope; according to committee this woman actually voted in person, but it is reflected that the absentee vote was counted

Mary Ann Randle: marked "65 or older" but witnessed for disability

Kavillian Ransom Jr.: marked "out of county" and noted commissioned member of armed forces but not handled under the Uniformed and Overseas Citizen Absentee Voting Act; 2 witnesses, two (2) witness signatures, one witnessed for disability

Xernor Richardson: no reason marked on application

Harold Schrock: state/county blanks empty; no reason marked on application

Barbara Stephenson: marked "out of county" but witnessed for disability; on information and belief a resident of Oxford, Mississippi

Elaine Straughter: marked "out of county" but witnessed for disability

Frances M. Vasser: marked "out of county" but witnessed for disability

Massie Haynes: marked "out of county" but witnessed for disability; did not indicate election applied for; delivered by Edward Hayes

Leorne Heard: signed as her own attesting witness

Donna Holliday: marked "out of county" but witnessed for disability

James L. Hause: elector's certificate inaccurately completed

Chris Howard: marked "out of county" but witnessed for disability

Adell Howard: absentee ballot accepted; according to committee this woman actually voted in person, but it is reflected that the absentee ballot was counted

Rachel Howard: marked "out of county" but witnessed for disability

Roderick Ingram: marked "out of county" but witnessed for disability

Henry Lee Randle: marked "65 or older" but witnessed for disability

Emma Howard: lives in Columbus

Hubbard Wavery, Jr.: lives in Tupelo

Helen Price: lives in Ward 2; voted in Ward 1

Sade Triquetra McFarland; lives in Ward 2; voted in Ward 1

Terry McNuckle: marked as absentee; voted in person

Likewise, there were at least four (4) absentee ballots which were rejected, while having issues similar to the erroneously accepted absentee ballots, as follows:

Timothy Harlow: marked "out of county" but witnessed for disability

Brenda Fair: (unsure why this ballot was rejected)

Ricky Default: marked "disabled" and witnessed in the wrong place

Shanton Eckford: marked "out of county" but witnessed for disability.

In short, there are serious issues with in excess of sixty (60) absentee ballots. However, there is also an inconsistency between the erroneously accepted absentee ballots and the four (4) rejected absentee ballots. In other words, there are accepted absentee ballots that have the same irregularities as the rejected absentee ballots.

The significance of many absentee ballots which note a reason *other than* "temporarily or permanently disabled" is that any other reason requires a witness signature on the ballot performed by an official authorized to administer oaths, like a notary public, a court clerk, or city clerk. Only ballots obtained for individuals who are "temporarily or permanently disabled" are sufficiently witnessed by individuals eighteen (18) years of age or older, rather than an official authorized to administer oaths. See *Mississippi Code Annotated*, § 23-15-631 (1972) (as amended).

XXV.

COUNT 6: Issues with locations of ballots, applications, etc. in the ballot box.

There were various irregularities with ballots, applications, etc. as handled by the poll

workers that were revealed by the ballot box examination. For example:

- A. Annie Blanchard's application for absentee ballot was found in Brandon Blanchard's envelope, but was apparently counted.
- B. Brandon Blanchard's application for absentee ballot was in Reanna J. Barr's envelope, but was apparently counted.
- C. An envelope for ____ (undiscernible) R. Blanchard contained the ballot of L. C. Betts, and Betts' application did not reveal a reason for voting absentee.
- D. Two (2) Ward 2 ballots were found in the Ward 1 ballot box.
- E. There were twelve (12) regular ballots cast for DEVALL which were found comingled in the envelope containing absentee ballots.
- F. There were eight (8) regular ballots cast for HOLLIDAY which were found comingled in the envelope containing absentee ballots.

XXVI.

COUNT 7: Improper handling of spoiled ballots.

The ballot box examination revealed that three (3) spoiled ballots were found which had been counted. One of these ballots had a write-in name and utilized check marks (✓) rather than the ovals required by ballot instructions. One of these ballots had a name marked out. One of these ballots was signed (putatively by voter Maurice Howard). These spoiled votes should not have been counted.

XXVII.

COUNT 8: Failure of initialing manager.

The ballot box examination revealed that the initialing manager did not initial nine (9) regular ballots, but those ballots were counted anyway. Mississippi law requires that each

ballot be initialed by the initialing manager. The initialing manager in Ward I in this election had the initials C.D.

In addition to these ballots that should have not been counted because there were no initials on the ballot, there were numerous ballots in the Ward I ballot box that were not initialed by the initialing manager but were initialed by various other individuals (J.P., J.H., B.W. and J.B.) which are not the initials of the initialing manager, yet these ballots were accepted and counted. On information and belief, no assistant initialing manager was reflected in the ballot tabulation sheet.

XXVIII.

COUNT 9: *Issues with manner, nature and results of challenged ballots.*

Upon information and belief, there were nineteen (19) challenged ballots; however it was unclear which ballots were challenged and whether or not they were counted. There was no reflection in the ballot box with regard to the action of poll workers determination on challenged ballots.

XXXIX.

COUNT 10: *Irregularities with general ballot count (voter roll irregularities, etc.)*

On information and belief, the number of voters who signed in to receive a ballot is inconsistent with the votes cast and the poll record notation of "voted" and "AB" and is likewise inconsistent with the hand count performed by DEVAL at the ballot box examination.

XXXX.

The Mississippi election law is clear. Both the statutes and the case law provide

guidance for Mississippi's citizens as to how a primary election should be run. In this case, as evidenced by Counts 1 through 10, there are significant irregularities in the conduct of the election itself, in the process of balloting and counting of ballots, in post election responsibilities, in actions (intentional or inadvertent) of poll workers, and in actions (intentional or inadvertent) of the COMMITTEE.

REQUEST FOR RELIEF

XXXXI.

DEVAULL requests a hearing before the Circuit Court of Monroe County, Mississippi, and after presenting his case in chief, requests the following relief from the Circuit Court:

- A. That the Court determine that there are significant errors, deficiencies, and variations from the election law of the State of Mississippi, which call into question the integrity of the election and the intention and will of the voters of Ward I;
- B. That the Court determine that the errors and irregularities in the counting of the absentee ballots (both ballots accepted which should have been rejected, and ballots rejected which should have been accepted) which raise a question about at least sixty (60) absentee ballots, being a significant number of the total votes cast (317) as to raise a question about the intent and will of the voters of Ward I;
- C. That the Court determine that the errors and irregularities in the counting of ballots which were marked in a way other than coloring in the ovals on the ballot beside the name for whom the voter was cast (14 in number), added to the irregularities described in paragraph B, *supra*, contribute to the legitimate questioning of the intent

and will of the voters of Ward I;

- D. That the Court determine that there were three (3) spoiled ballots which were found to be counted, which should not have been counted;
- E. That the Court determine that ballots not initialed by the initialing manager (whose initials are C. D.) and/or those ballots that were initialed by various initials (J.P., J.H., B.W. and J.B) when there was no deputy initialing manager, be rejected;
- F. That the Court determine that "challenged" ballots (19 in number) were not handled by poll workers consistent with the law of this state and should be rejected;
- G. That the Court determine that there are sufficient questions and inconsistencies in the ballot box tabulation, the voter rolls and receipt books, together with a hand count which occurred at the ballot box examination and which did not agree with the counts established in the Ward I ballot box to invalidate the election;
- H. That after reviewing the transcript of the COMMITTEE's hearing, the Court take whatever action it deems appropriate relative to all of those individuals who contributed to attempt to illegitimize the hearing.

As the Court is aware, our Supreme Court has found that non-conformity with the statute governing absentee ballots and voting absentee is a routine occurrence² "as opposed to voting at the polls, in a public setting where the integrity of the election process can be ensured, absentee voting takes place in a private setting where the opportunity for fraud is

² *Boyd v. Tishomingo County Democratic Exec. Comm. & Members*, 912 So. 2d 124, 134 (Miss. 1992). In *Boyd* the Court said "The real issue presented by this and many other election contests that we routinely deal with is a flawed and failed absentee ballot process." The Court went on to say that the privilege of voting by absentee ballot is created by *Mississippi Code Annotated*, § 23-15-621 (1972) (as amended), and those administering elections must strictly conform to the statutory requirements associated with the absentee ballot. This statute is mandatory rather than directory.

greater.” *Campbell v. Whittington*, 733 So.2d 820, 827 (Miss. 1999). When there are absentee votes that are counted that do not conform to the statute, and are contested, as DEVALL is doing here, with at least sixty (60) absentee votes cast being comingled with other ballots, they are not identifiable; thus the will of the voters of Ward I might not be discernable. As the Court has noted in *Thompson v. Lewis*, 17 So. 2d 524 (Miss 2008), “the stain of illegality bled from those [illegally counted ballots] into the remaining ballots, tainting the entire lot.” *Thompson, supra*, at 528. In this case, just the tainted absentee ballots, not to mention the other voting irregularities, equal approximately one fifth (1/5) of a total of 317 votes cast. When the number of other irregular ballots are combined with the number of absentee ballots, the voting irregularities equal approximately one third (1/3) of the 317 votes cast. Such an anomaly makes it impossible to discern the will of the voters of Ward I; therefore, a special election should be held.

Moreover, violations of *Mississippi Code Annotated*, § 23-15-805 (1972) (as amended) have endangered the integrity of the election as well. This violation by HOLLIDAY and his supporters occurred both at the primary election and the run-off.

WHEREFORE, PREMISES CONSIDERED, DEVALL requests that the Court consider the proof adduced in this case, and apply it to the Mississippi election law, and conclude that there is no question that the cumulative effects of the facts provided require a new election.

THIS the 16 day of July, 2020.


LYDIA QUARLES
ATTORNEY FOR ROBERT DEVALL

FILED

JUL 16 2020



DANA L. SLOAN
CIRCUIT CLERK
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**CITY OF ABERDEEN, MISSISSIPPI
PRIMARY ELECTION (RUNOFF) FOR ALDERMAN WARD 1
DEMOCRATIC PARTY**

PETITION FOR ELECTION CONTEST

**TO: JACKIE BENSON
CITY CLERK OF THE CITY OF ABERDEEN, MISSISSIPPI
125 WEST COMMERCE STREET
ABERDEEN MS 39730**

**COY FLYNN
204 GLENDALE CIRCLE
ABERDEEN MS 39730**

**RUTH BRASFIELD
525 HIGHWAY 8 WEST
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**CURLEY PAYNE
304 WAUSAU STREET
ABERDEEN MS 39730**

**WILLIAM WALKER
806 SOUTH COLUMBUS STREET
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**JOHN FINN
305 HIGH STREET
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**HELEN PRICE
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ABERDEEN MS 39730**

**WILLIE RUTH PAYNE
405 WEST WASHINGTON STREET
ABERDEEN MS 39730**

**S. NICHOLAS HOLLIDAY
ABERDEEN MS 39730**

FILED

JUL 16 2020

EXHIBIT A



**DANA L. SLOAN
CIRCUIT CLERK
MONROE CO., MS**

IN RE: DEMOCRATIC WARD 1 PRIMARY RUN-OFF FOR ALDERMAN
CITY OF ABERDEEN, MISSISSIPPI
BETWEEN ROBERT DEVAULLALL (PETITIONER) AND
NICHOLAS HOLLIDAY (RESPONDENT)

PETITION FOR ELECTION CONTEST

COMES NOW Robert DEVAULL, pursuant to *Mississippi Code Annotated*, § 23-15-921 (1972) (as amended), and files this Petition to Contest the Results of the June 16, 2020, Democratic primary run-off election [hereinafter "the election"] for the position of Alderman, Ward 1 of the City of Aberdeen, and in support thereof, would show unto the Democratic Municipal Executive Committee [hereinafter "the committee"] the following, *to-wit*:

1. Petitioner, Robert DEVAULL [DEVAULL] is an adult resident citizen and qualified elector of the City of Aberdeen, Mississippi, and was duly qualified as a Democratic candidate for Alderman of Ward 1 of the City of Aberdeen in the 2020 Democratic primary.¹
2. DEVAULL faced Respondent, Nicholas Holliday [HOLLIDAY] in the Democratic

¹ The primary election (as differentiated from the run-off) results were not certified until June 24, 2020, when the results were stamped filed by the office of the Secretary of State. The certified results of the primary election for Alderman, Ward 1, are attached hereto as Exhibit A, and incorporated herein by this reference. Notably, the certification does not follow the form required by statute. While the statute requires the certification to state that the committee "does hereby certify that this statement contains the official vote for the election reflected herein" the committee certified "the above election results this the 9th day of June, 2020". This inapt certification indicated votes for Alderman, Ward 1, as follows:

- | | |
|----------------------|-----------|
| a. Robert DEVAULL | 104 votes |
| b. Rose Hodges | 15 votes |
| c. Nicholas Holliday | 114 votes |
| d. Terry Smith | 26 votes |

There was not a clear victor in the primary election, so a run-off was schedule for June 16, 2020.

run-off election for Alderman, Ward 1 of the City of Aberdeen, conducted on June 16, 2020.

3. The election was conducted by optical marked ballots which were scanned and counted by optical mark reading equipment consistent with the requirements of *Mississippi Code Annotated*, § 23-15-507 (1972) (as amended). Upon information and belief this is the normal procedure for voting in the City of Aberdeen. Instructions appear on the face of the ballot direct that the ballot should be marked by coloring in the "oval" to the left of the candidate's name.
4. After tabulation in counting the actual ballots and absentee ballots on the evening of June 18, 2020, the committee determined the election results for Ward 1 as follows:
 - a. DEVAULL had 87 regular ballots cast for him; 49 absentee ballots cast for him; 12 regular ballots that were found co-mingled in the absentee ballot envelope.
 - b. HOLLIDAY had 140 regular ballots cast for him; 28 absentee ballots cast for him; 8 regular ballots that were found co-mingled in the absentee ballot envelope.
5. The committee failed to count affidavit ballots which were cast for the election on the Wednesday or Thursday after the election; nor did they certify the results of the election to the Secretary of State.
6. On or about June 20, 2020, DEVAULL sent a letter to the Democratic Executive Committee, a copy of which is attached as Exhibit B, and which reflects various issues that he raised directly to the committee about voting irregularities.

7. Having questions not only about irregularities about aspects of the conduct of the election but also about the balloting and counting process, DEVAULL filed a notice with the committee to examine the ballot box containing the ballots and other contents required to be secured in the ballot box for Ward 1 by serving notice on the City Clerk, who voluntarily notified all of the committee members.
8. The ballot box examination occurred on Wednesday, June 24, 2020, commencing at 1 o'clock p.m. in the Board Room in the Aberdeen City Hall. A majority of the committee members was present during the entire period of the examination, as well as DEVAULL and his designee. Other members of the public attended part or all of the examination but did not take part in the examination. The Chairman of the committee did allow members of the public to ask questions of the committee during the process.
9. At the time of the ballot box examination, the committee and the City Clerk confirmed that:
 - a. The election results had not been certified; and
 - b. The affidavit ballots had not been examined or counted; andWhen the subject was raised during the ballot box examination there appeared to be confusion as to the challenged ballots.
10. On Wednesday, June 24, 2020, at the end of the ballot box examination, the committee considered all affidavit ballots (11 in number) which were all rejected by the committee. Purported certification of the run-off elections was received by the Elections Division of the Office of the Secretary of State on June 25, 2020. See

Exhibit C. Consistent with Exhibit A, the certification of the run-off election is also faulty.

11. DEVAULL contends that numerous irregularities and willful violations of Mississippi election law occurred during the election. These issues represent a departure from Mississippi election law and thus make it impossible to discern the true will and intent of the voters of Ward 1 of the City of Aberdeen. Among other particulars:

- a. On the Ward 1 precinct on Martin Luther King Street, supporters of Holliday violated *Mississippi Code Annotated* § 23-15-895 (1972) (as amended) to the extent that the Aberdeen Police Department was required to direct supporters of Holliday to remove themselves farther from one hundred fifty (150) feet of any entrance to a building in which an election is being conducted in violation of *Mississippi Code Annotated* § 23-15-895 (1972) (as amended).²
- b. Voters were harassed by Holliday supporters on the way to the precinct entrance and were told who to vote for;
- c. There were instances of double voting (voting in person and absentee);
- d. On information and belief, an individual who notarized some absentee ballots was not qualified as a current notary public;
- e. On information and belief, two elected officials (one elected on June 2 and the other one seeking re-election) following the postal mail truck and stopped

² A copy of the police report has been requested via a Public Records Request. Upon receipt this document will be supplemented with Exhibit D. It is interesting to note that the Police Department was called because of a violation of § 23-15-895 on both the primary election and the run-off election. The City Clerk, Ms. Benson, appeared at the Ward 1 precinct on both days and can verify the violations.

behind it at certain mail boxes, removing the absentee ballots from the mail boxes where they were delivered;

- f. On information and belief, there were two (2) absentee ballots from Ward 2 found in the Ward 1 ballot box;
- g. On information and belief, people voted in the run-off election who do not live in Aberdeen;
- h. On information and belief, the poll watcher(s) for Holliday was not credentialed. *See, Mississippi Code Annotated* § 23-15-577 (1) (2) (1972) (as amended);
- i. On information and belief, the poll watcher(s) for Holliday violated *Mississippi Code Annotated* § 23-15-577 (4) (1972) (as amended);
- j. On information and belief, the Poll Manager-Bailiff disregarded his/her statutory obligations.
- k. On information and belief, two notary publics for the State of Mississippi, Dallas Jones and Lou Ella Hoskins Stevens, did not "witness" the signatures of purported absentee applicants, but simply notarized ballots that were brought to them by various individuals, some of whom are elected officials.³
- l. On information and belief, Dallas Jones and Lou Ella Hoskins Stevens do not maintain acceptable notary logs.
- m. Bernice Randall, a poll worker for the election, noted that at least four (4)

³ On information and belief, while the notaries herein mentioned would not identify which elected officials brought absentee ballots to them, they have certified that: "they" brought the ballots to (us), noting that they did not see the signatures of the potential voters.

voters, Jimecia Jhane Lyons, Carnell Hampton, Tamitha Blanchard, and Nicolas Rogers, voted on the June 2, 2020 election date, rather than the June 16, 2020 election date, thus enhancing the problems with counting and reconciling the number of ballots.

- n. Regina Dobbs is marked "voted" on the poll book by Bernice Randall, who then marks through "voted" and adds "RR" (an unknown symbol).
- o. Bernice Randall marked "done" instead of "voted" on the poll book regarding Santana Gilleylen's name.
- p. The Mayor went to 1404 Martin Luther King and took the absentee ballots from the household of the Blanchards, including Brandon Lee, Chester Lee, and Brenda Blanchard and Robert Ingram. These individuals did not mark their own absentee ballots.
- q. The J. T. Strauder Jr., ballot, an absentee ballot and a ballot that, at the ballot examination the Mayor stated: "that's my ballot" is not a ballot that should have been cast in Ward 1. The voter lives at 200344 Booker T. Washington Road, which is located outside Ward 1.
- r. The Mayor and Edward Haynes went to the Eckford home in Ward 1 and took the absentee ballots from the household of the Eckford's, including Annie Eckford, Jarvis Eckford, Latonia Eckford, and Shanteon Eckford. These individuals did not mark their own absentee ballots.

12. DEVAULLALL contends that numerous irregularities and willful violations of Mississippi election law occurred during the computation of the election results.

These issues represent a departure from Mississippi election law and thus make it impossible to discern the true will and intent of the voters of Ward 1 of the City of Aberdeen.

13. DEVAULL, as a result of his ballot examination, has determined DEVAULL

deviations from Mississippi election law which principally occurred in the casting and counting of ballots. They are as follows:

a. FAILURE TO PROVIDE AN ACCURATE ACCOUNTING FOR ALL BALLOTS

It is believed that there is an inaccurate ballot count with regard to absentee ballots. During the ballot box examination, DEVAULL counted 77 absentee ballots, but the committee contends that there were 78 absentee ballots. On information and belief, the tally sheet for Ward 1 is inconsistent with the voter ledger and the voter receipt book.

b. IMPROPER MARKING OF BALLOTS

The statute requires that ballots be marked in a particular way based on the voting system. In Aberdeen, because of the city's adopted voting system, votes must be marked with filled-in ovals beside the individual for whom the ballot is cast. Check marks (✓) are disallowed. There are fourteen (14) regular ballots in Ward 1 which were counted and which had check marks rather than filled-in ovals. Regardless of the individual for whom these votes are cast, they should not have been counted.

c. ABSENTEE BALLOTS IMPROPERLY REJECTED OR ACCEPTED

The statutes on absentee ballots require that they must be specifically cast consistent with Mississippi law because there is a greater opportunity for fraud in absentee ballots, particularly those which are not cast in the City Clerk's office. The Mississippi Supreme

Court has routinely confirmed that the codified process for casting an absentee ballot (*See, Mississippi Code Annotated* § 23-15-621 – 653 (1972) (as amended) and grounds for rejection of an absentee ballot (*See, Mississippi Code Annotated* § 23-15-641 (1972) (as amended) must be strictly adhered to. *See, Stringer v. Lucas*, 608 So. 2d 1351 (Miss. 1992); *Thompson v. Jones*, 17 So. 2d 524 (Miss. 2008); *Ruhr v. Walton*, 955 So. 2d 279 (Miss. 2007). These cases, among others demand strict compliance with Mississippi statutes concerning absentee ballots, designating them as “mandatory” in nature.

Specifically, there were at least fifty-six (56) absentee ballots counted with significant deviations from the statute that should not have been accepted by poll workers during the counting:

Annie Blanchard: Annie’s application was in Brandon Blanchard’s envelope

Brandon Blanchard: Brandon’s application was in Reanna I. Barr’s envelope

Margaret Alexander: marked “out of county” but witnessed for disability

Reanna I Barr: marked “out of county” but witnessed for disability

_____(undiscernible) R. Blanchard: envelope contains ballot of L. C. Betts. Betts’ application has no reason for voting absentee

Brenda Blanchard: marked “out of county” but witnessed for disability

Inez Brown: marked “65 or older” but witnessed for disability

Lindsay Cooper: no reason for absentee voting; ballot remains in envelope, was not counted but neither was it

marked "rejected"

Parish Cratic: marked "out of county" but witnessed for disability; no witness signature. D. Jones stamped a notary stamp on it but did not witness the signature of the voter; lives in Tupelo, Lee County, Mississippi

Regina Dangerfield: no reason on application; application not dated

Cameria Dangerfield: no reason on application

Kavins K. Dobbs: "out of county" but witnessed for disability

Rozell Gillespie: application signed Rozell Strong

Benjamin Haughton: incomplete address

Devderia Haynes: ballot torn, cannot see that she signed across the flap; attestation not dated; marked "65 or older" but witnessed for disability

Norris Moore: no date on voter affidavit; signatures on application and envelope do not match

Aaron Morton: marked "65 or older" but witnessed for disability

Evelyn Orr: signature does not cross flap; different color ink

Trish Peters: marked "65 or older"; no address; witnessed for disability

Judy Patterson: signature difference between envelope and application

Ella J. Walker: marked "65 or older" but witnessed for disability; no clear signature across the flap

Walter Walker: marked "out of county" but witnessed for disability

Julia Young: marked "65 or older" but witnessed for disability

Doris Jones: no county/city/etc; marked "out of county" but witnessed for disability

Jared McAuster: marked "out of county" but witnessed for disability

Charlene Middlebrook: marked "out of county" but witnessed for disability

Robert Middlebrook: signature of voter does not cross flap; marked "out of county" but witnessed for disability

Debra Moore: city/county omitted; no date of vote

Laura Moore: no city/county

Thomas Hubbard: in accepted pile but not marked accepted nor rejected; signature not across the flap

Lee Anthony Pierce: signatures not across the flap

Bridget Rogers: marked "out of county" but witnessed for disability; also according to committee this woman actually voted in person

Annie Lee Walker: signature not across the flap; no reason marked

Alfred Walker: no reason marked; signature not across the flap

Jasmine Walker: no signature across the flap

Latoya Walker: rejected written on application yet located in the counted envelope

Willie Morton: signature not across the flap

Bulah Daniel: no envelope associated with this ballot application

Nogan Morgan: no envelope associated with this ballot application

Shateon Eckford: not marked accepted or rejected yet located in the counted envelope; according to committee this woman actually voted in person, but it is reflected that the vote was counted

Mary Ann Randle: marked "65 or older" but witnessed for disability

Kavillian Ransom Jr.: marked "out of county" and noted commissioned member of armed forces but not handled under the Uniformed and Overseas Citizen Absentee Voting Act; 2 witnesses, two (2) witness signatures, one witnessed for disability

Xernora Richardson: no reason marked on application

Harold Schrock: state/county blanks empty; no reason marked on application

Barbara Stephenson: marked "out of county" but witnessed for disability; on information and belief a resident of Oxford, Mississippi

Elaine Straughter: marked "out of county" but witnessed for disability

Frances M. Vasser: marked "out of county" but witnessed for disability

Massie Haynes: marked "out of county" but witnessed for disability; did not indicate election applied for; delivered by Edward Hayes

Leome Heard: signed as her own attesting witness

Donna Holliday: marked "out of county" but witnessed for disability

James L. Hause: elector's certificate inaccurately done

Chris Howard: marked "out of county" but witnessed for

disability

Adell Howard: absentee ballot accepted; according to committee this woman actually voted in person, but it is reflected that the absentee ballot was counted

Rachel Howard: marked "out of county" but witnessed for disability

Roderick Ingram: marked "out of county" but witnessed for disability

Henry Lee Randle: marked "65 or older" but witnessed for disability⁴

Emma Howard: lives in Columbus

Hubbard Wavery, Jr.: lives in Tupelo

Helen Price: lives in Ward 2; voted in Ward 1

Sade Triqutta McFarland; lives in Ward 2; voted in Ward 1

Terry McNuckle: marked as absentee; voted in person

Likewise, there were at least four (4) absentee ballots which were rejected, while having issues similar to the erroneously accepted absentee ballots, as follows:

Timothy Harlow: marked "out of county" but witnessed for disability

Brenda Fair: (unsure why this ballot was rejected)

Ricky Defauld: marked "disabled" and witnessed in the wrong place

⁴ The significance of many absentee ballots which note a reason other than "temporarily or permanently disabled" is significant because any other reason requires a witness signature on the ballot performed by an official authorized to administer oaths, such as a notary public or a court clerk or city clerk. Only ballots obtained for individuals who are "temporarily or permanently disabled" are sufficiently witnessed by individuals eighteen (18) years of age or older, rather than an official authorized to administer oaths. *See, Mississippi Code Annotated* § 23-15-631 (1972) (as amended).

Shanton Eckford; marked "out of county" but witnessed for disability.

In short, there are serious issues with at least sixty (60) absentee ballots, fifty-six (56) of which were erroneously counted. However, there is also an inconsistency between the erroneously accepted absentee ballots and the four (4) rejected absentee ballots.

d. AFFIDAVIT BALLOTS NOT TIMELY COUNTED

Affidavit ballots, by law, are to be counted, and results of the total vote declared by the committee on the first or second day after the primary election per *Mississippi Code Annotated* § 23-14-597 (1972) (as amended). This was not done. Affidavit ballots were counted on June 24, some eight (8) days after the election. All affidavit ballots were rejected for various reasons. This occurred at the end of the examination and DEVAULL could not properly examine these ballots.

e. ISSUES WITH LOCATIONS OF BALLOTS, APPLICATIONS, ETC.

The ballot examination pointed out various irregularities regarding the ballots as handled by the poll workers. For example, (1) Annie Blanchard's application for absentee ballot was found in Brandon Blanchard's envelope but was apparently counted; (2) Brandon Blanchard's application was in Reanna J. Barr's envelope but was apparently counted; (3) an envelope for ____ (could not discern) R. Blanchard contained the ballot of L. C. Betts, and Betts' application did not reveal a reason for voting absentee; two (2) Ward 2 ballots were found in the Ward 1 box.

f. SPOILED BALLOTS

The ballot examination revealed that three (3) spoiled ballots were found which had been

counted. One of these ballots had a write-in name and utilized check marks (✓) rather than filling in the ovals as required by ballot instructions. One of these ballots had a name marked out. One was signed (putatively by voter Maurice Howard). These spoiled votes should not have been counted.

g. FAILURE OF INITIALING MANAGER

The initialing manager did not initial nine (9) regular ballots, but these ballots were counted. Mississippi law requires that each ballot be initialed by the initialing manager. The initialing manager in Ward 1 in this election has the initials C. D. However, there were a number of ballots counted which were initialed J. P., J. H., B. W. and J. B., who are not the initialing manager, yet these ballots were accepted and counted. On information and belief, no assistant initialing manager was reflected on the tabulation.

h. ISSUES WITH CHALLENGED BALLOT COUNTS

Upon information and belief, there were nineteen (19) challenged ballots; however, it was unclear which ballots were challenged and/or whether they were counted. There was no reflection in the ballot box with regard to challenged ballots that DEVAULL could determine.

i. ISSUES WITH THE GENERAL BALLOT COUNT (VOTER ROLL IRREGULARITIES)

On information and belief, the number of voters who signed in to receive a ballot is inconsistent with the votes cast and the poll record notation of "voted" and "AB" and is likewise inconsistent with the ballots counted by DEVAULL.

14.DEVAULL requests the following relief from the Aberdeen Democratic Municipal Executive Committee:

- a. that the committee determine that there are significant errors, deficiencies, variations from law, etc. reflected with this election, and specifically with regard to facts and allegations contained in paragraphs 11 and 13, *supra*, to call into question whether this run-off election reflects the will of the voters of Ward 1;
- b. that the committee determine there are significant deviations, specifically with absentee ballots (at least 60 out of a total cast) and these deviant absentee ballots which were accepted were counted and comingled with other legitimately accepted absentee ballots such that it is impossible to discern the total number of legal votes received for each candidate and therefore to discern the true will of the voters;
- c. that the committee determine that a the total number of deviant absentee votes which were illegally accepted is significantly higher than the number of votes which decided this primary run-off election (at least 60 deviant but accepted absentee ballots, together with numerous other ballot errors noted herein, yet only 37 votes decide this run-off election);
- d. that the committee determine that the integrity of the votes cast and the other deviations from the requirements of the Mississippi election law as to the manner in which elections must be conducted were compromised due to blatant disregard and substantial departure from fundamental provisions of that law,
- e. that the committee determine that based on the totality of the circumstances, including an inconsistency in vote tallies, the allowance of illegally cast absentee ballots, errors in the physical voting premises, electioneering, and poll watching, as well as a number

of ballots not initialed by the initialing clerk, ballots which were "spoiled" but counted, ballots which were improperly marked, etc., the certification of this election cannot be expected to express the will of the voters;

f. that the committee determine that a special election is warranted because (1) enough illegal votes were cast for the contestee (DEVAULL) to change the result of the election; or (2) so many votes were disqualified that the will of the voters is impossible to discern. See, *McIntosh v. Sanders*, 831 So.2d 1115 (Miss. 2002), citing *Noxubee County Democratic Executive Committee v. Russell*, 443 So. 2d 1191 (Miss. 1983).

15. DEVAULL expressly reserves the right to raise any additional grounds which may subject the election to controversy, should they be revealed by further investigation or which the Petitioner should become aware.

WHEREFORE, PREMISES CONSIDERED, DEVAULLALL respectfully requests that this Petition for Election Contest before the Aberdeen Democratic Municipal Executive Committee be received and filed, and that a hearing be held consistent with Mississippi law. (See *Mississippi Code Ann.* § 23-15-921 – 927 (1972) (as amended). After the hearing, it is the obligation of the committee to make a finding, and DEVAULLALL requests that the finding be made in the following manner:

- The committee finds that there are a myriad of factual and legal issues raised by petitioner DEVAULL which appear legitimate.
- The committee finds that, as a result of the factual and legal issues raised by petitioner DEVAULL, it is no longer the ability of the committee to discern the will of the voters.

- The committee finds that there are questions regarding a number of ballots⁵ as well as deviations from the physical integrity of the polling place⁶, the intentional actions of poll watchers⁷, and actions of poll workers which, although inadvertent, violated the Mississippi election law.
- The committee thus determines that these irregularities represent a significant departure from Mississippi Election law and thus the committee is unable to discern the true will and intent of the voters of Ward 1 of the City of Aberdeen.
- Based on these findings and determinations, the committee orders a special run-off election at such time as can reasonably be set by the committee members in conjunction with the City's Aldermen and City Clerk.
- The committee acknowledges that this order impacts the election for the Chief of Police of Aberdeen as well.

This is the totality of the relief requested by DEVAULL; however, DEVAULL places his faith in the determination of the committee to craft a just resolution considering the circumstances set forth in his Petition for Election Contest before the Aberdeen Democratic Municipal Election Committee.

⁵ Specifically, 60 absentee ballots potentially counted in error, 3 spoiled ballots, 14 illegally marked ballots, the failure to count the 11 affidavit ballots for no rational reason given, 14 ballots not initialed at all together with a number of ballots not initialed by the initialing clerk, and 19 challenged ballots without explanation, totaling at least 117 ballots, not to mention errant locations of ballots and applications.

⁶ Specifically, violations of *Mississippi Code Annotated*, §§ 23-15-577 (1), (2) and (4) (1972) (as amended) and 23-15-895 (1072) (as amended).

⁷ Specifically including a failure of credentialing.

THIS the ____ day of July, 2020.

Robert DEVAULL

NOTE: After such a petition has been filed, it shall be the duty of the committee to assemble at the call of the Chair or of any three (3) members of the committee. Notice of the contest shall be served five (5) calendar days before the meeting. After notifying all parties concerned the committee shall proceed to investigate the grounds upon which the election is contested. The committee shall have the power to subpoena witnesses needed in the investigation. By majority vote of its members present, the committee shall declare the true results of the primary.

CERTIFICATE OF SERVICE

I, Robert Devaull, do hereby certify that the above and foregoing PETITION FOR ELECTION CONTEST was delivered to the City Clerk who volunteered to notify each member of the committee and provide each with a copy of same.

THIS the ____ day of July, 2020.

Robert Devaull

City of Aberdeen, Mississippi
First Primary

June 2, 2020

MAYOR

Roderick Daniel-286
 Toni Reece-682
 Alonzo Sykes-296

ALDERMAN WARD 3

Sammy L. Burroughs-61
 David Ewing, Jr.-93
 Edward Haynes-175

CHIEF OF POLICE

Henry O. Randle-863
 Quinell Shumpert-376
 Tony Tillman-618

ALDERMAN WARD 4

Dean Irvin-133
 Carolyn Odom-163

ALDERMAN WARD ONE

Robert Devall-104
 Rose Hodges-15
 Nicholas Holliday-114
 Terry Smith-26

ALDERMAN WARD 5

John Allen-253

ALDERMAN WARD TWO

Lady B. Garth-288
 Doug Stone-184

We the undersigned Democratic Executive Committee do hereby certify the above election results this the 9thth, day of June, 2020.

Coy Flynn Coy Flynn Ruth Brasfield _____

Curley Payne Curley Payne William Walker _____

Helen Price Helen Price William Walker _____

John Finn John Finn

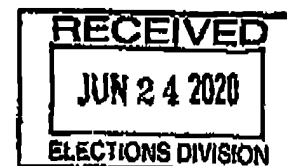


Exhibit A

City of Aberdeen, Mississippi

First Primary

2-Jun-20

Mayor	Ward 1	Ward 2	Ward 3	Ward 4	Ward 5	Totals
Roderick Van Daniel	58	74	69	45	40	286
Toni Reece	28	121	93	222	218	682
Alonzo Sykes Sr.	63	83	70	44	36	296
Write-in	76	126	66	83	66	417
Chief of Police						
Henry Randle	148	256	184	137	138	863
Quinn Shumpert	8	60	38	150	120	376
Tony Tillman	106	152	111	128	121	618
Write-in				1		1
Alderman Ward One						
Robert Devaul	104					104
Rose Elliott Hodges	15					15
Nicholas Holliday	114					114
Terry D. Smith	26					26
Write in	2					2
Ward Two		288				288
Lady B. Garth		184				184
Doug Stone						0
Ward Three						
Sammy Burroughs			61			61
David Ewing Jr.			93			93
Edward Haynes			175			175
Write in			2			2

June 20, 2020

City of Aberdeen, MS
Democratic Election Commissioners

To Whom It May Concern:

I, Robert Devaul, was a Democratic Candidate for Alderman, Ward 1 in the city elections that were held June 2, 2020. I was also in the run- off election that was held on June 16, 2020. I am challenging the results of the run- off election due to several irregularities that I observed, which are listed below.

1. At the Ward 1 precinct on MLK street, supporters of my opponent defied the rule that states you must be 150 feet from the entrance to the polling place. A tent was set up that violated this rule and was not moved until law enforcement were called.
2. Voters were harassed as they came to vote and were told who to vote for
3. There were instances of double voting
4. I was told that the person who notarized some absentee ballots was not qualified as a notary
5. I personally witnessed two elected officials (one elected June 2 and the other one seeking re-election) following the postal mail truck, stopping at certain houses and taking absentee ballots out of the box.
6. There were also two (2) absentee ballots from Ward 2 that was in the Ward 1 ballot box.
7. It is my understanding that there were people who voted that do not live in the city of Aberdeen.

I am requesting that all the absentee ballots be rechecked closely, that you verify that the notary was licensed and to address all of the irregularities that I have noted above.

I expect to hear from the Election Commissioners soon.

Thank you,

Robert Devaul

Exhibit B

June 21, 2020

City of Aberdeen

Democratic Run-Off Election

Chief of Police

Henry Randle-928

Tony Tillman-718

Alderman Ward One

Robert Devault-140

Nicholas Holliday-177

We the undersigned Democratic Executive Committee do hereby certify the above election results this the 22nd, day of June, 2020.

Coy Flynn Coy Flynn Ruth Brasfield _____
Curley Payne Curley Payne William Walker William Walker
Helen Price Helen Price John Finn John Finn
Willie R. Payne _____

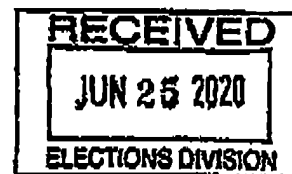


Exhibit C

	A	B	C	D	E	F	G	H	I	J	K	L	M	N
1	City of Aberdeen, Mississippi													
2	Run-off election													
3	16-Jun-20													
4														
5		Ward 1		Ward 2		Ward 3		Ward 4		Ward 5		Totals		
6	Chief of Police												Avg total	
7	Henry Randle	235		247		176		136		134		928		
8	Tony Tillman	81		144		115		217		161		718		
9	Write-In											0		
10														1646
11	Alderman Ward One													
12	Robert Devault	140										140		
13	Nicholas Holliday	177										177		
14	Write In											0		
15														317

FILED

JUL 16 2020

 DANA L. SLOAN
 CLERK OF COURT
 MONROE CO., MS

BY

**CITY OF ABERDEEN, MISSISSIPPI
PRIMARY ELECTION (RUNOFF) FOR ALDERMAN WARD 1
DEMOCRATIC PARTY**

PETITION FOR ELECTION CONTEST

**TO: JACKIE BENSON
CITY CLERK OF THE CITY OF ABERDEEN, MISSISSIPPI
125 WEST COMMERCE STREET
ABERDEEN MS 39730**

**COY FLYNN
204 GLENDALE CIRCLE
ABERDEEN MS 39730**

**RUTH BRASFIELD
525 HIGHWAY 8 WEST
ABERDEEN MS 39730**

**CURLEY PAYNE
304 WAUSAU STREET
ABERDEEN MS 39730**

**WILLIAM WALKER
806 SOUTH COLUMBUS STREET
ABERDEEN MS 39730**

**JOHN FINN
305 HIGH STREET
ABERDEEN MS 39730**

**HELEN PRICE
1109 ELK CIRCLE
ABERDEEN MS 39730**

**WILLIE RUTH PAYNE
405 WEST WASHINGTON STREET
ABERDEEN MS 39730**

**S. NICHOLAS HOLLIDAY

ABERDEEN MS 39730**

EXHIBIT B

FILED

JUL 16 2020



**DANA L. SLOAN
CIRCUIT CLERK
MONROE CO., MS**

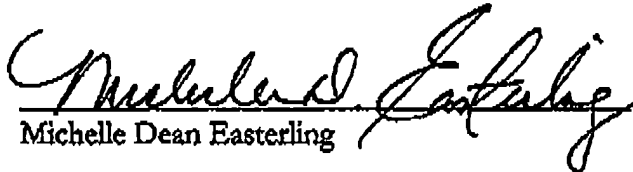
IN RE: DEMOCRATIC WARD 1 PRIMARY RUN-OFF FOR ALDERMAN
CITY OF ABERDEEN, MISSISSIPPI
BETWEEN ROBERT DEVAL (PETITIONER) AND NICHOLAS
HOLLIDAY (RESPONDENT)

ATTORNEY CERTIFICATION

STATE OF MISSISSIPPI
COUNTY OF CLAY

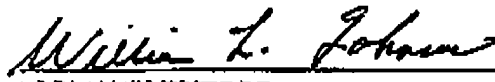
Personally appeared before me, the undersigned notary public in and for said county and state aforesaid, MICHELLE DEAN EASTERLING, who after by me being duly sworn on her oath stated and deposed as follows:

1. My name is Michelle Dean Easterling. I am a duly licensed attorney in good standing in the State of Mississippi.
2. I have been provided with a copy of the Petition for Election Contest that is to be filed with the Aberdeen Municipal Democratic Executive Committee regarding the run-off election which occurred in Ward 1, Aberdeen, on June 16, 2020.
3. I certify that I am acquainted with the statutes and case law relative to the contest of party primary elections.
4. I certify that I have made a full and independent investigation into the facts and law of the matter, as set forth in the Petition, and I believe that the complaint and the petition should be sustained and the relief asked for should be granted.
5. Further affiant saith not.


Michelle Dean Easterling

SWORN TO AND SUBSCRIBED before me this the 5 day of July, 2020.




NOTARY PUBLIC

My Commission Expires: 5-11-2023

FILED

JUL 16 2020



DANA L. SLOAN
CIRCUIT CLERK
MONROE CO., MS

CITY OF ABERDEEN, MISSISSIPPI
PRIMARY ELECTION (RUNOFF) FOR ALDERMAN WARD 1
DEMOCRATIC PARTY

PETITION FOR ELECTION CONTEST

TO: JACKIE BENSON
CITY CLERK OF THE CITY OF ABERDEEN, MISSISSIPPI
125 WEST COMMERCE STREET
ABERDEEN MS 39730

COY FLYNN
204 GLENDALE CIRCLE
ABERDEEN MS 39730

RUTH BRASFIELD
525 HIGHWAY 8 WEST
ABERDEEN MS 39730

CURLEY PAYNE
304 WAUSAU STREET
ABERDEEN MS 39730

WILLIAM WALKER
806 SOUTH COLUMBUS STREET
ABERDEEN MS 39730

JOHN FINN
305 HIGH STREET
ABERDEEN MS 39730

HELEN PRICE
1109 ELK CIRCLE
ABERDEEN MS 39730

WILLIE RUTH PAYNE
405 WEST WASHINGTON STREET
ABERDEEN MS 39730

S. NICHOLAS HOLLIDAY

ABERDEEN MS 39730

EXHIBIT C

FILED

JUL 16 2020



DANA L. SLOAN
CIRCUIT CLERK
MONROE CO., MS

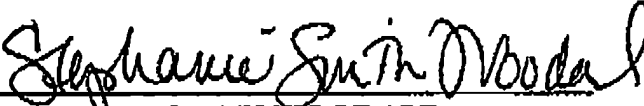
IN RE: DEMOCRATIC WARD 1 PRIMARY RUN-OFF FOR ALDERMAN
CITY OF ABERDEEN, MISSISSIPPI
BETWEEN ROBERT DEVALL (PETITIONER) AND NICHOLAS
HOLLIDAY (RESPONDENT)

ATTORNEY CERTIFICATION

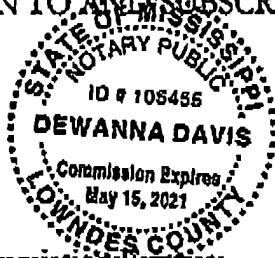
STATE OF MISSISSIPPI
COUNTY OF LOWNDES

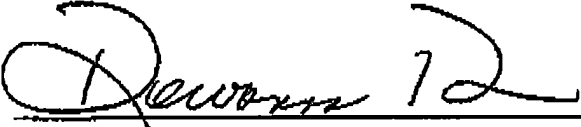
Personally appeared before me, the undersigned notary public in and for said county and state aforesaid, STEPHANIE SMITH WOODARD, who after by me being duly sworn on her oath stated and deposed as follows:

1. My name is STEPHANIE SMITH WOODARD. I am a duly licensed attorney in good standing in the State of Mississippi.
2. I have been provided with a copy of the Petition for Election Contest that is to be filed with the Aberdeen Municipal Democratic Executive Committee regarding the run-off election which occurred in Ward 1, Aberdeen, on June 16, 2020.
3. I certify that I am acquainted with the statutes and case law relative to the contest of party primary elections.
4. I certify that I have made a full and independent investigation into the facts and law of the matter, as set forth in the Petition, and I believe that the complaint and the petition should be sustained and the relief asked for should be granted.
5. Further affiant saith not.


STEPHANIE SMITH WOODARD

SWORN TO AND SUBSCRIBED before me this the 15th day of July, 2020.




NOTARY PUBLIC

My Commission Expires: _____

FILED

JUL 16 2020

BY 

DANA L. SLOAN
CIRCUIT CLERK
MONROE CO., MS

IN THE CIRCUIT COURT OF MONROE COUNTY, MISSISSIPPI

IN RE: DEMOCRATIC WARD I RUN-OFF
ELECTION FOR THE CITY OF ABERDEEN,
MISSISSIPPI, BETWEEN S. NICHOLAS
HOLLIDAY AND ROBERT DEVAULL

ROBERT DEVAULL

PLAINTIFF

V.

CIVIL ACTION NO. 2020-201-UWM

S. NICHOLAS HOLLIDAY and
MEMBERS OF THE DEMOCRATIC
MUNICIPAL COMMITTEE OF
THE CITY OF ABERDEEN, INCLUDING:
COY FLYNN, RUTH BRASHFIELD,
CURLEY PAYNE, WILLIAM WALKER,
JOHN FINN, HELEN PRICE and WILLIE
RUTH PAYNE, IN THEIR OFFICIAL
CAPACITIES AND INDIVIDUALLY

DEFENDANTS

COST AND SURETY BOND

STATE OF MISSISSIPPI
COUNTY OF MONROE

KNOW ALL MEN BY THESE PRESENTS:

ROBERT DEVAULL, pursuant to *Mississippi Code Annotated*, § 23-15-927 (1972) (as amended) hereby posts a cost bond in the sum of \$300.00. Furthermore, Robert Devaull and Lydia Quarles of Mozingo|Quarles PLLC, sureties, are held and firmly bound unto the Circuit Court of Monroe County, Mississippi, to pay all costs in case this petition is dismissed and costs thereby awarded by the Court, which payment, well and truly to be made and performed, we, and each of us, do hereby bind ourselves jointly, severally, and firmly to these presents.

FILED

JUL 16 2020

EXHIBIT D



DANA L. SLOAN
CIRCUIT CLERK
MONROE CO., MS

WITNESS OUR HANDS AND SEAL, this the 16th day of July, 2020.

Robert Devaul

Robert Devaul

Lydia Quarles

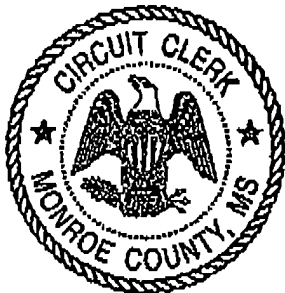
Lydia Quarles

I approve the above bond and the securities thereto, this the 16th day of July, 2020.

DANA L. SLOAN, CIRCUIT CLERK

Undersigned

Deputy Clerk



COVER SHEET		Court Identification Docket #	Case Year	Docket Number
Civil Case Filing Form (To be completed by Attorney/Party Prior to Filing of Pleading)		<div style="border: 1px solid black; padding: 2px; display: inline-block;">48</div> <div style="border: 1px solid black; padding: 2px; display: inline-block;">1</div> <div style="border: 1px solid black; padding: 2px; display: inline-block;">CI</div>	<div style="border: 1px solid black; padding: 2px; display: inline-block;">2020</div>	<div style="border: 1px solid black; padding: 2px; display: inline-block;">00201</div>
		County # Judicial Court ID District (CH, CI, CO)	<div style="border: 1px solid black; padding: 2px; display: inline-block;">JWM</div> Local Docket ID	
Mississippi Supreme Court Form AQC/01 Administrative Office of Courts (Rev 2020)		<div style="border: 1px solid black; padding: 2px; display: inline-block;">07</div> <div style="border: 1px solid black; padding: 2px; display: inline-block;">16</div> <div style="border: 1px solid black; padding: 2px; display: inline-block;">20</div>	Month Date Year This area to be completed by clerk	
In the <u>CIRCUIT</u> Court of <u>MONROE</u> County - <u>1st</u> Judicial District		Case Number if filed prior to 1/1/94		
Origin of Suit (Place an "X" in one box only) <input checked="" type="checkbox"/> Initial Filing <input type="checkbox"/> Reinstated <input type="checkbox"/> Foreign Judgment Enrolled <input type="checkbox"/> Transfer from Other court <input type="checkbox"/> Other <input type="checkbox"/> Remanded <input type="checkbox"/> Reopened <input type="checkbox"/> Joining Suit/Action <input type="checkbox"/> Appeal				
Plaintiff - Party(ies) Initially Bringing Suit Should Be Entered First - Enter Additional Plaintiffs on Separate Form				
Individual Devaul <u>Robert</u> <div style="display: flex; justify-content: space-between;"> Last Name First Name Maiden Name, if applicable M.I. Jr/Sr/III/IV </div>				
<input type="checkbox"/> Check (x) if Individual Plaintiff is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style: _____ Estate of _____				
<input type="checkbox"/> Check (x) if Individual Plaintiff is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity: _____ D/B/A or Agency _____				
Business Enter legal name of business, corporation, partnership, agency - If Corporation, indicate the state where incorporated <input type="checkbox"/> Check (x) if Business Plaintiff is filing suit in the name of an entity other than the above, and enter below: _____ D/B/A _____				
Address of Plaintiff _____				
Attorney (Name & Address) <u>Lydia Quarles, 1018 Louisville Street, Ste F, Starkville MS 39759</u> MS Bar No. <u>4582</u>				
<input type="checkbox"/> Check (x) if Individual Filing Initial Pleading is NOT an attorney Signature of Individual Filing: <u>[Signature]</u>				
Defendant - Name of Defendant - Enter Additional Defendants on Separate Form				
Individual <div style="display: flex; justify-content: space-between;"> Last Name First Name Maiden Name, if applicable M.I. Jr/Sr/III/IV </div>				
<input type="checkbox"/> Check (x) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style: _____ Estate of _____				
<input type="checkbox"/> Check (x) if Individual Defendant is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity: _____ D/B/A or Agency _____				
Business Enter legal name of business, corporation, partnership, agency - If Corporation, indicate the state where incorporated <input type="checkbox"/> Check (x) if Business Defendant is acting in the name of an entity other than the above, and enter below: _____ D/B/A _____				
Attorney (Name & Address) - If Known _____ MS Bar No. _____				
<input type="checkbox"/> Check (x) if child support is contemplated as an issue in this suit.* *If checked, please submit completed Child Support Information Sheet with this Cover Sheet				
Nature of Suit (Place an "X" in one box only)				
Domestic Relations <input type="checkbox"/> Child Custody/Visitation <input type="checkbox"/> Child Support <input type="checkbox"/> Contempt <input type="checkbox"/> Divorce: Fault <input type="checkbox"/> Divorce: Irreconcilable Diff. <input type="checkbox"/> Domestic Abuse <input type="checkbox"/> Emancipation <input type="checkbox"/> Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Property Division <input type="checkbox"/> Separate Maintenance <input type="checkbox"/> Term. of Parental Rights-Chancery <input type="checkbox"/> UIFSA (eff 7/1/97; formerly URESA) <input type="checkbox"/> Other _____	Business/Commercial <input type="checkbox"/> Accounting (Business) <input type="checkbox"/> Business Dissolution <input type="checkbox"/> Debt Collection <input type="checkbox"/> Employment <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Replevin <input type="checkbox"/> Other _____ Probate <input type="checkbox"/> Accounting (Probate) <input type="checkbox"/> Birth Certificate Correction <input type="checkbox"/> Mental Health Commitment <input type="checkbox"/> Conservatorship <input type="checkbox"/> Guardianship <input type="checkbox"/> Joint Conservatorship & Guardianship <input type="checkbox"/> Heirship <input type="checkbox"/> Intestate Estate <input type="checkbox"/> Minor's Settlement <input type="checkbox"/> Monument of Title <input type="checkbox"/> Name Change <input type="checkbox"/> Testate Estate <input type="checkbox"/> Will Contest <input type="checkbox"/> Alcohol/Drug Commitment (voluntary)	Children/Minors - Non-Domestic <input type="checkbox"/> Adoption - Contested <input type="checkbox"/> Adoption - Uncontested <input type="checkbox"/> Consent to Abortion <input type="checkbox"/> Minor Removal of Minority <input type="checkbox"/> Other _____ Civil Rights <input checked="" type="checkbox"/> Elections <input type="checkbox"/> Expungement <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Post Conviction Relief/Prisoner <input type="checkbox"/> Other _____ Contract <input type="checkbox"/> Breach of Contract <input type="checkbox"/> Installment Contract <input type="checkbox"/> Insurance <input type="checkbox"/> Specific Performance <input type="checkbox"/> Other _____ Statutes/Rules <input type="checkbox"/> Bond Validation <input type="checkbox"/> Civil Forfeiture <input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Injunction or Restraining Order <input type="checkbox"/> Other _____	Real Property <input type="checkbox"/> Adverse Possession <input type="checkbox"/> Ejectment <input type="checkbox"/> Eminent Domain <input type="checkbox"/> Eviction <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Lien Assertion <input type="checkbox"/> Partition <input type="checkbox"/> Tax Sale: Confirm/Cancel <input type="checkbox"/> Title Boundary or Easement <input type="checkbox"/> Other _____ Torts <input type="checkbox"/> Bad Faith <input type="checkbox"/> Fraud <input type="checkbox"/> Intentional Tort <input type="checkbox"/> Loss of Consortium <input type="checkbox"/> Malpractice - Legal <input type="checkbox"/> Malpractice - Medical <input type="checkbox"/> Mass Tort <input type="checkbox"/> Negligence - General <input type="checkbox"/> Negligence - Motor Vehicle <input type="checkbox"/> Premises Liability <input type="checkbox"/> Product Liability <input type="checkbox"/> Subrogation <input type="checkbox"/> Wrongful Death <input type="checkbox"/> Other _____	
Appeals <input type="checkbox"/> Administrative Agency <input type="checkbox"/> County Court <input type="checkbox"/> Hardship Petition (Driver License) <input type="checkbox"/> Justice Court <input type="checkbox"/> MS Dept Employment Security <input type="checkbox"/> Municipal Court <input type="checkbox"/> Other _____				

IN THE CIRCUIT ☒ COURT OF MONROE ☒ COUNTY, MISSISSIPPI
1st JUDICIAL DISTRICT, CITY OF Aberdeen

15

JUDICIAL DISTRICT, CITY OF Aberdeen

Docket No. 2020 - 201 JWM Docket No. If Filed
File Yr Chronological No. Clerk's Local ID Prior to 1/1/94

**Docket No. If Filed
Prior to 1/1/94**

DEFENDANTS IN REFERENCED CAUSE - Page 1 of ____ Defendants Pages
IN ADDITION TO DEFENDANT SHOWN ON CIVIL CASE FILING FORM COVER SHEET

IN ADDITION TO DEFENDANT SHOWN ON CIVIL CASE FILING FORM COVER SHEET

Defendant #2:

Individual: Flynn Coy ()

Last Name First Name Maiden Name, if Applicable Middle Init

 Check (✓) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:

Estate of

Check (✓) if Individual Defendant is acting in capacity as Business Owner/Operator (D/B/A) or State Agency, and enter that name below:

D/B/A

Business _____
 Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

 Check (✓) if Business Defendant is being sued in the name of an entity other than the name above, and enter below:

D/B/A

ATTORNEY FOR THIS DEFENDANT: _____ Bar # or Name: _____ Pro Hac Vice (✓) _____ Not an Attorney (✓) _____

Defendant #3:

Individual: Brashfield Ruth ()
Last Name First Name Maiden Name, if Applicable Middle Initial Initial

 Check (✓) if individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:

Estate of

Check (✓) if Individual Defendant is acting in capacity as Business Owner/Operator (D/B/A) or State Agency, and enter that name below:

D/B/A

Business _____
Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

Check (✓) if Business Defendant is being sued in the name of an entity other than the name above, and enter below:

D/B/A

ATTORNEY FOR THIS DEFENDANT: _____ Bar # or Name: _____ Pro Hac Vice (✓) Not an Attorney (✓)

Defendant #4:

Individual: Payne Curley ()

Check (✓) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:

Estate of

Check (✓) if Individual Defendant is acting in capacity as Business Owner/Operator (D/B/A) or State Agency, and enter that name below:

D/B/A

Business _____
Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

Check (✓) if Business Defendant is being sued in the name of an entity other than the above, and enter below:

D/E/A

ATTORNEY FOR THIS DEFENDANT: _____ Bar # or Name: _____ Pro Hac Vice (✓) Not an Attorney (✓)

IN THE CIRCUIT COURT OF MONROE COUNTY, MISSISSIPPI

IN RE: DEMOCRATIC WARD I RUN-OFF
ELECTION FOR THE CITY OF ABERDEEN,
MISSISSIPPI, BETWEEN S. NICHOLAS
HOLLIDAY AND ROBERT DEVAULL

ROBERT DEVAULL

PLAINTIFF

V.

CIVIL ACTION NO. 2020-201-JWM

S. NICHOLAS HOLLIDAY and
MEMBERS OF THE DEMOCRATIC
MUNICIPAL COMMITTEE OF
THE CITY OF ABERDEEN, INCLUDING:
COY FLYNN, RUTH BRASHFIELD,
CURLEY PAYNE, WILLIAM WALKER,
JOHN FINN, HELEN PRICE and WILLIE
RUTH PAYNE, IN THEIR OFFICIAL
CAPACITIES AND INDIVIDUALLY

DEFENDANTS

ADDENDUM TO CIVIL COVER SHEET REFLECTING ADDITIONAL DEFENDANTS

Defendant # 5	Walker, William
Defendant # 6	Finn, John
Defendant # 7	Price, Helen
Defendant # 8	Payne, Willie Ruth
Defendant # 9	City of Aberdeen Municipal Democratic Election Committee, who may be served by virtue of service on its Chair, Coy Flynn

FEE BILL, CIVIL CASES, CIRCUIT COURT

State of Mississippi
Monroe County

DEVAULL, ROBERT VS HOLLIDAY, S NICHOLAS, ETAL

Case # 2020-201-JWM Acct # Paid By CHECK 1056 Rct# 45814


CLERK FEE	85.00
JURY TAX	3.00
COURT REPORTER	10.00
LAW LIBRARY	2.50
COURT CONSTITUENT	.50
COURT ADMINISTRATOR	2.00
STATE COURT ED	2.00
CECF	10.00
CLAF	5.00
JUDICIAL SYSTEM OPER FUND	40.00

Total \$ 160.00

Payment received from Lydia Quarles
P O BOX 5300
MS WORKERS' COMPENSATION COMMI
JACKSON MS 39296 5300

Transaction 73576 Received 7/16/2020 at 8:48 Drawer 1 I.D. ZSMITH

Current Balance Due \$0.00 Receipt Amount \$ 160.00

By  D.C. Dana Sloan, Circuit Clerk

Case # 2020-201-JWM Acct # Paid By CHECK 1056 Rct# 45814

Dana L. Sloan
Circuit Clerk – Monroe County
P. O. Box 843
Aberdeen, MS 39730
Office Phone # 662-369-8695
Office Fax # 662-369-3684

FAX COVER SHEET

DATE: 7/17/20
TO: Jeremy Whitmire, Supreme Court Clerk
FROM: Dana Sloan
IN RE: Election Contest

This includes 58 pages including cover sheet.

Circuit Clerk's Office
Phone -- (662) 369-8695
Fax -- (662) 369-3684

Courtroom Office:
Phone -- (662) 369-2732
Fax -- (662) 319-5993

Dana L. Sloan
Circuit Clerk -- Monroe County
Post Office Box 843
Aberdeen, MS 39730

July 17, 2020

Mr. Jeremy Whitmire
Supreme Court of Mississippi
P O Box 249
Jackson MS 39205

Re: Robert Devaull vs. S. Nicholas Holliday, etal
Monroe County Circuit Cause No. 2020-201-JWM

Dear Mr. Whitmire:

The attached Petition for Contest of General Election and Judicial Review was filed in my office on July 16, 2020 and is being forwarded to your office per statute.

If you need anything further, please do not hesitate to contact me.

Sincerely yours,

Dana L. Sloan

Dana L. Sloan
Monroe County Circuit Clerk

Enclosure